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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,742

10/02/2006

Michel Monnerat

LUTZ 200641

4969

48116 7590 05/07/2009

FAY SHARPE/LUCENT  
1228 Euclid Avenue, 5th Floor  
The Halle Building  
Cleveland, OH 44115-1843

EXAMINER

NEFF, MICHAEL R

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

05/07/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,742	<b>Applicant(s)</b> MONNERAT, MICHEL	
	<b>Examiner</b> MICHAEL R. NEFF	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/21/2006</u> .                                               | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 2/21/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "determining the correlation function" in line 7.

There is insufficient antecedent basis for this limitation in the claim.

4. Claim 1 recites the limitation "with the theoretical autocorrelation function" in line

10. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 9 recites the limitation "determining the correlation function" in line 7.

There is insufficient antecedent basis for this limitation in the claim.

6. Claim 9 recites the limitation "with the theoretical autocorrelation function" in line

10. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Re Claims 1 and 9 specifically, the term RNSS is not defined within the limitations of the claim language, rendering the claim indefinite.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**9. Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lennen (US Patent 5,818,539, see IDS).**

Re claims 1 and 9, Lennen discloses a method and device of validating the detection of a correlation peak between: a signal transmitted by a plurality of navigation satellites (Col. 1 lines 20-28) and received by an RNSS satellite radio navigation receiver (Col. 1 lines 20-28), said signal corresponding to a sum of signals each sent by a satellite and each modulated by a spread spectrum signal characteristic of said satellite (Figure 11 element 22; Col. 2 lines 25-28; Col. 5 lines 2-15), a local replica generated by said receiver (Col. 2 lines 25-32), said replica being the replica of a spread spectrum signal characteristic of a satellite that is being looked for (Col. 2 lines 25-32; Figure 11 element 28), said method including a step of determining the correlation function as a function of time between said received signal and said local replica (Figure 11 element 30; Col. 2 lines 25-45, also lines 53-60), said method being characterized in that it further includes a step of comparing said correlation function with the theoretical autocorrelation function as a function of time of said spread spectrum signal characteristic of said satellite that is being looked for over the whole of the vector

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of the correlation function (Col. 2 lines 6-11, also lines 25-45, also line 53- Col. 3 line 3; also Figure 10 and associated disclosure).

Re Claim 2, Lennen discloses the validation method according to claim 1 further characterized in that it includes a step of determining said theoretical autocorrelation function as a function of time of said spread spectrum signal characteristic of said satellite that is being looked for (Figure 10 and associated disclosure; Col. 2 lines 6-24).

Re Claim 3, Lennen discloses the validation method according to either of the preceding claims claim 1 characterized in that said step of comparing said correlation function with the theoretical autocorrelation function includes a step of comparing secondary peaks of each of said functions (Figure 9 and associated disclosure).

Re Claim 4, Lennen discloses the validation method according to claim 1 characterized in that said comparison step includes a step of calculating the correlation between said correlation function and said autocorrelation function (Figures 14 and 15 with associated disclosures).

Re Claim 5, Lennen discloses the validation method according to claim 1 characterized in that said spread spectrum signal is a signal modulating said signal with a known pseudorandom sequence replacing each bit of said signal (Col. 2 lines 25-28; the use of spread spectrum inherently implies the use of pseudo random sequencing in

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order to control the spreading pattern across a given bandwidth to one of ordinary skill in the art).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. NEFF whose telephone number is (571)270-1848. The examiner can normally be reached on Monday - Friday 8:00am - 4:30pm EST ALT Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571)272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL R. NEFF/  
Examiner, Art Unit 2611

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/Chieh M Fan/

Supervisory Patent Examiner, Art Unit 2611